

# **EXHIBIT 5**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TUCKERBROOK ALTERNATIVE  
INVESTMENTS, LP,

Plaintiff

v.

SUMANTA BANERJEE,

Defendant

CASE NO. 12-CV-11643-JCB

**AFFIDAVIT OF SEAN T. CARNATHAN IN SUPPORT OF  
PLAINTIFF TUCKERBROOK ALTERNATIVE INVESTMENTS LP'S  
MOTION TO DEEM SERVICE OF PROCESS EFFECTUATED**

I, Sean T. Carnathan, under oath, state as follows:

1. I am lead counsel to Plaintiff Tuckerbrook Alternative Investments, LP ("Tuckerbrook") in connection with this Action against Defendant Sumanta Banerjee ("Banerjee"). I am over 18 years of age and make these statements based upon my own personal knowledge, information and belief. Where based on information and belief, I believe these statements to be true.

2. Attached hereto as Exhibit A is a true copy of a chain of email correspondence in which I twice forwarded the summons and complaint to Sumanta Banerjee in connection with this matter.

3. Attached hereto as Exhibit B is a print out of the United States Postal Service Report from my Firm's effort to serve Mr. Banerjee by certified mail at his residence in Connecticut. The package we sent included the summons and complaint, copies of which are included in Exhibit A hereto.

4. Attached hereto as Exhibit C is a true copy of an email from Sumanta Banerjee responding to Tuckerbrook's Connecticut counsel, sent by Mr. Banerjee approximately 20 minutes before I sent the last email in Exhibit A to him.

5. Mr. Banerjee never responded to either of my emails to him.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 26<sup>th</sup>  
DAY OF OCTOBER, 2012.

/s/ Sean T. Carnathan  
Sean T. Carnathan (BBO #636889)

**CERTIFICATE OF SERVICE**

I, Sean T. Carnathan, hereby certify that a true and accurate copy of the foregoing Motion has been filed and served through the Court's electronic filing system, this 26<sup>th</sup> Day of October, 2012 and has been served on Sumanta Banerjee by electronic mail at [sbaner@gmail.com](mailto:sbaner@gmail.com).

/s/ Sean T. Carnathan  
Sean T. Carnathan